

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In re: Jon Benjamin Kennedy, } Case No. 16-12086-JDL  
and }  
Mindy Randell Kennedy, }  
Debtors. } Chapter 13

- 2<sup>nd</sup> AMENDED -

**MOTION TO MODIFY THE CONFIRMED PLAN  
AND REQUEST FOR ATTORNEY COMPENSATION  
WITH NOTICE OF OPPORTUNITY FOR HEARING  
AND CERTIFICATE OF SERVICE**

Comes now James Branum, Attorney for debtors Jon Benjamin Kennedy and Mindy Randell Kennedy and files *Second Amended Motion to Modify the Confirmed Plan, and Request to Allow Attorney Compensation*, as executed by Debtors for filing herein. Debtors propose to modify as follows:

1. Treat all monthly plan payments as current through November, 2017.
2. Suspend payments for the month of December, 2017.
3. Decrease monthly plan payments to \$2,076 beginning January, 2018 and continuing thereat through remainder of the plan period.
4. Change from a percentage Plan to a Base Plan.
4. Pursuant to LOCAL RULE XV(C)B.2., allow Attorney James Branum Two Hundred Fifty (\$250.00) Dollars compensation for services related to this

motion and anticipated *Order*.

In Support Whereof, Debtors allege:

- A. Debtors filed for relief on May 27, 2016 and the Plan was confirmed on August 26, 2016.
- B. The beloved daughter of Debtors has a serious medical condition that preclude Debtor 2 from working outside the home.
- C. Debtor 1 works as a loan officer in a financial institution. His income is partly commission based and varies with the throughput of loans he completes.
- D. The loans which are packaged and administered by Debtor 1 are commonly referred to as “tribal” loans.
- E. In the last few months the federal funding which is fundamentally necessary for tribal loans has dwindled mightily. Therefore, the commission based earnings of Debtor 1 have dropped precipitously.
- F. Debtor 1 and Debtor 2 have steadfastly limited family expenditures to the extent possible without endangering the physical safety of the family.
- G. Debtor 1 made good faith efforts to work part-time in second job to supplement family income.
- H. Debtors believe in good faith they will be able to begin making payment again in January, 2018 and pledge their best efforts to do so.

WHEREFORE, premises considered, Debtors pray the Court modify the Plan as requested *supra*.

/s/ James Branum

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**NOTICE OF OPPORTUNITY FOR HEARING**

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effects of this document. If you not want the Court to grant the requested relief, or you wish to have your view considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 21 days after the filing of this motion. You should also serve a file stamped copy of your response or objection to the undersigned movant's attorney and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. The twenty-one (21) day period includes the three (3) days allowed for mailing provided for in BANKRUPTCY RULE 9006(F).

/s/ James Branum

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